

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRIAN O'BOYLE

Case No. _____

Plaintiff,

v.

THE CMI GROUP

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant The CMI Group (“CMI”), by its attorneys, Metz Lewis Brodman Must O’Keefe LLC, hereby removes the subject action from the Court of Common Pleas of Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania, and in support states as follows:

1. Plaintiff Brian O’Boyle (“Plaintiff”) instituted an action in the Court of Common Pleas of Lackawanna County, Pennsylvania on or about March 2, 2020.
2. CMI was served on March 2, 2020. Therefore, removal is timely.
3. Plaintiff’s Complaint alleges certain violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (“TCPA”).
4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because the action – an alleged violation of the TCPA – arises under the laws of the United States.
5. Pursuant to 28 U.S.C. § 1441, this cause may be removed from the Court of Common Pleas of Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania.

6. Notice of this removal will promptly be filed with the Court of Common Pleas of Lackawanna County, Pennsylvania and will be served on all adverse parties.

7. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, orders, and other papers filed in this action and obtained by CMI are attached hereto marked as **Exhibit A** and are incorporated herein by reference.

WHEREFORE, Defendant The CMI Group removes the subject action from the Court of Common Pleas of Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania.

Respectfully Submitted,

Date: April 1, 2020

METZ LEWIS BRODMAN MUST
O'KEEFE LLC

By: /s/ Justin M. Tuskan
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal has been served upon the following this 1st day of April, 2020 via Electronic Mail:

Joseph T. Sucec
PO Box 317
Grantham, PA 17027
joesucec@gmail.com
Attorney for Plaintiffs

METZ LEWIS BRODMAN MUST
O'KEEFE LLC

By: /s/ Justin M. Tuskan
Justin M. Tuskan